

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**SHATASIA BUCKNER,** :  
 :  
 **Plaintiff** : **CIVIL ACTION NO. 3:23-1482**  
 :  
 **v.** : **(JUDGE MANNION)**  
 :  
 **CITY OF NEW YORK, et al.,** :  
 :  
 **Defendant** :

**ORDER**

Pending before the court is the report of United States Magistrate Judge Martin C. Carlson which recommends that the instant action be dismissed. (Doc. 6). No objections have been filed to Judge Carlson's report. Upon review, the report and recommendation will be adopted in its entirety as the opinion of the court.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)).

Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The plaintiff has brought the instant action challenging domestic relations proceedings which are currently ongoing in both Luzerne County, Pennsylvania, and Kings County, New York. The plaintiff has named as defendants the City of New York; her mother, Chantel Buckner; the judge presiding over her case in Kings County, New York, Lisa J. Friederwitzer; and a non-custodial parent of her children, Russell King.

In giving the plaintiff's complaint preliminary consideration, Judge Carlson found that any claim against Judge Friederwitzer is barred by the doctrine of judicial immunity. Moreover, Judge Carlson determined that the instant action is barred both by the "domestic relations" doctrine which provides an exception to diversity jurisdiction for cases involving divorce, alimony or child custody matters, and the *Younger*<sup>1</sup> abstention doctrine which grants federal courts discretion to abstain from exercising jurisdiction over a claim the resolution of which would interfere with ongoing state

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<sup>1</sup> *Younger v. Harris*, 401 U.S. 37 (1971).

proceedings. Since leave to amend would be futile, Judge Carlson recommends that the instant action be dismissed with prejudice.

Neither party has filed objections to Judge Carlson's report.<sup>2</sup> The court has reviewed the record and Judge Carlson's report and finds no clear error. Moreover, the court agrees with the sound reasoning which led Judge Carlson to his conclusions. Therefore, the court will adopt the report and recommendation in its entirety as the opinion of the court.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

**(1) The report and recommendation of Judge Carlson (Doc. 6) is**

**ADOPTED IN ITS ENTIRETY AS THE OPINION OF THE COURT.**

**(2) The instant action (Doc. 1) is DISMISSED WITH PREJUDICE.**

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<sup>2</sup> The court notes that the copy of Judge Carlson's report mailed to the plaintiff was originally returned as undeliverable. However, upon return, the address for the plaintiff was updated and the report was re-mailed. Thereafter, the report was not returned and it is therefore presumed that the plaintiff has received the report.

(3) The Clerk of Court is directed to **CLOSE THIS CASE**.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: February 12, 2024**

23-1482-01